



STATE OF DELAWARE
DEPARTMENT OF JUSTICE



CARL C. DANBERG
Attorney General

NEW CASTLE COUNTY

Carvel State Building
820 N. French Street
Wilmington, DE 19801
Criminal Division (302) 577-8500
Fax: (302) 577-2496
Civil Division (302) 577-8400
Fax: (302) 577-6630
TTY: (302) 577-5783

KENT COUNTY

102 West Water Street
Dover, DE 19901
Criminal Division (302) 739-4211
Fax: (302) 739-6727
Civil Division (302) 739-7641
Fax: (302) 739-7652
TTY: (302) 739-1545

SUSSEX COUNTY

114 E. Market Street
Georgetown, DE 19947
(302) 856-5352
Fax: (302) 856-5369
TTY: (302) 856-2500

PLEASE REPLY TO:

November 17, 2006

[New Castle County-Civil Division]

Inmate Curtis M. Collins
SBI #00314128
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

Re: *Collins v. Kearney, et al.*
D. Del., C.A. No. 05-739-SLR

Dear Mr. Collins:

On November 13, 2006, you filed with the Court a Motion for Evidentiary Hearing (D.I. 68). In the Motion you requested that the Court order the Defendants to produce to you certain documents including the "MSB sign in log books" and "a list of all of the Correctional Officers who took place in handcuffing and capstuning [sic] of the Plaintiff on 8-6-05." Although you did not issue a formal request for production of documents pursuant to the Federal Rules, the State Defendants have agreed to produce to you certain documents that you have requested – to the extent such documents exist. Please consider this letter and the production of documents a response to your Motion.

With respect to your request for a list of the Correctional Officers – the Incident Reports from the August 6, 2005 incident document the officers that were involved. Copies of the Incident Reports were provided to you on or about September 11, 2006, however, I have produced the Reports again for your records. The Incident Reports are attached hereto and Bates stamped D00178 – D00180. With regard to your request for the "MSB sign in log books" – no such document exists. I have, however, produced a copy of the Shift Assignment Roster for the 12 a.m. – 8 a.m. shift on August 6, 2005. The Roster is a confidential document and I have redacted certain information. You will see, however, the names of the officers working in the Multi-Security Building ("MSB") on the date and during the time of the incident. The Roster is Bates stamped D00181.

Inmate Curtis M. Collins

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The production of the above-mentioned documents is not a waiver of the State Defendants' right to object to the Motion, your request, any future discovery requests or the attempted admission of any of the enclosed documents at trial, or the right to assert any other objections. Thank you.

Sincerely,

/s/ Erika Y. Tross

Erika Y. Tross
Deputy Attorney General

EYT/vd

cc: The Honorable Sue L. Robinson

Enclosures